

Indiana Department of Education

Division of Exceptional Learners

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1954.02
COMPLAINT INVESTIGATOR:	Sandie Scudder
DATE OF COMPLAINT:	September 23, 2002
DATE OF REPORT:	October 21, 2002
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	November 13, 2002

COMPLAINT ISSUES:

Whether the Merrillville Community Schools and the Northwest Indiana Special Education Cooperative violated:

511 IAC 7-25-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically, by failing to provide speech therapy services for 90 minutes per week during the fall semester of the 2002-2003 school year.

FINDINGS OF FACT:

1. The student (Student) is 5 years old and is eligible for special education as a student (Student) with a developmental delay and a communication disorder.
2. The IEP dated February 4, 2002, documents that the Student was to receive 90 minutes of speech services weekly, beginning one to two weeks after the beginning of the school year which was August 26, 2002. The director of special education (Director) states that the speech pathologist was to begin services no later than September 9, 2002. Delivery of speech services started on September 27, 2002. The Student was not provided speech services for the weeks of September 9, 16, and 23, 2002; therefore, the Student missed 270 minutes of speech service. The School is prepared to offer 30 minutes of speech services in addition to the Student's existing schedule of 90 minutes of speech services weekly, from October 7 to December 6, 2002, to compensate for the missed speech services. The School did not provide documentation that the Complainant has agreed to the compensatory services.

CONCLUSIONS:

1. Finding of Fact #2 establishes that the School did not provide the Student with speech services as required by the February 4, 2002, IEP. The School has agreed to provide the Student with compensatory services, in addition to the Student's existing speech schedule; however, the parent has not signed documentation noting agreement. A violation of 511 IAC 7-27-7(a) is found.

The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.

The Merrillville Community Schools and the Northwest Indiana Special Education Cooperative shall:

Convene the CCC to determine if the amount of compensatory services the School will provide to the Student for missed speech services for the weeks of September 9, 16, and 23, 2002, will be adequate. **A copy of the CCC Report, stating the amount of compensatory services the Student will receive and who will be providing the compensatory services, shall be submitted to the Division no later than November 8, 2002.**